

REMARKS

Claims 1-22 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,172,779 to Castellanos in view of U.S. Patent No. 5,795,604 to Wells. It is respectfully submitted that claims 1-22, as presently recited, are not unpatentable over Castellanos in view of Wells.

Neither Castellanos nor Wells disclose a reclosable bacon package having a tray with a generally flat central base portion disposed between two inclined base portions on first opposing sides of the central base portion which merge with the generally upstanding tray sidewalls at respective locations below the tray member peripheral flange and second opposing sides of the central base portion which intersect the generally upstanding tray sidewalls at respective locations below the tray member peripheral flange, as presently recited in claims 1 (and by dependency claims 2-18) and 20 (and by dependency claims 21 and 22).

Instead, Castellanos discloses a tray having a bottom portion with three side edges intersecting inclined portions and only a fourth side intersecting the sidewalls. In contrast, claims 1 and 20 have a central base portion that intersects the sidewalls on two sides. Wells has a bottom portion that intersects sidewalls, as opposed to inclined portions, on all sides. Thus, it is respectfully submitted that Castellanos and Wells, whether together or alone, do not render claims 1-18 and 20-22 unpatentable.

Neither Castellanos nor Wells disclose a generally flat central base portion with two inclined base portions extending from the central base portion having a maximum width less than a maximum width of the central base portion such that side regions of the central base portion are disposed between the tray sidewalls and the inclined base portions, as presently recited in claim 19.

As mentioned above, the bottom portion of Wells does not intersect inclined portions. In Castellanos, the inclined portions have maximum widths that exceed the maximum width of the base portion. Accordingly, it is respectfully submitted that Castellanos and Wells, whether together or alone, do not render claim 19 unpatentable.

In view of the foregoing comments, reconsideration and allowance of claims 1-22 are respectfully requested.

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Reply to the Office action of Aug. 2, 2008

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

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/Jon A. Birmingham/
Jon A. Birmingham
Registration No. 51,222

120 S. LaSalle Street, Suite 1600
Chicago, Illinois 60603-3406
Telephone: 312.577.7000
Facsimile: 312.577.7007